

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

BOARD OF COMMISSIONERS OF
THE PORT OF NEW ORLEANS,

Plaintiff,

V.

LEXINGTON INSURANCE
COMPANY, AND FACTORY
MUTUAL INSURANCE COMPANY

Defendants

CASE NO: 08CV2505RCC
JUDGE JOHN W. DARRAH
MAGISTRATE MICHAEL T. MASON

RELATED TO

CIVIL ACTION NO. 06-8101
EASTERN DISTRICT OF LOUISIANA
JUDGE DONALD E. WALTER
MAGISTRATE ALMA L. CHASEZ

**BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS' MOTION TO
STAY PROCEEDINGS AND REMIT DECISION ON BUILDING CONSULTING
ASSOCIATES, INC.'S MOTION TO QUASH A SUBPOENA DUCES TECUM**

The Board of Commissioners of the Port of New Orleans, Plaintiff in the underlying action, Civil Action No. 06-8101, pending in the United States District Court for the Eastern District of Louisiana (hereinafter the "Port"), through undersigned counsel, hereby moves the Court to stay proceedings and remit decision on Building Consulting Associates, Inc.'s (hereinafter "BCA") Motion to Quash a Subpoena *Duces Tecum*.

The subpoena requesting production of specified documents relating to the Port's property damaged by Hurricane Katrina was issued to and served on BCA on April 18, 2008, and requested that production be made by May 19, 2008. In addition to filing its Motion to Quash a Subpoena *Duces Tecum* with this court, BCA has filed a Motion for Protective Order in the United States District Court for the Eastern District of Louisiana, where the underlying action is pending. Thus, the Port requests that this Court stay its decision on BCA's Motion to Quash a

Subpoena *Duces Tecum* pending resolution of the parallel discovery issues by the United States District Court for the Eastern District of Louisiana.

WHEREFORE, the Port respectfully requests that this Court enter an Order to stay proceedings and remit its decision on BCA's Motion to Quash a Subpoena *Duces Tecum*. A Memorandum and a Proposed Order authorizing a stay of proceedings and remission of decision on BCA's Motion to Quash a Subpoena *Duces Tecum*, in lieu of a Notice of Hearing, are provided.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS,
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CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9th day of May, 2008, served a copy of the foregoing pleading on all counsel for all parties by electronic mail, including:

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ORDER

IT IS ORDERED that the Motion of the Board of Commissioners of The Port of New Orleans requesting a stay of proceedings and a remission of ruling on Building Consulting Associates, Inc.'s Motion to Quash a subpoena *Duces Tecum* pending decision by the United States District Court for the Eastern District of Louisiana on Building Consulting Associates, Inc.'s Motion for Protective Order is **HEREBY GRANTED**.

Chicago, Illinois, this _____ day of May, 2008.

JUDGE